


1709131

MEMORANDUM

TO: The Honorable David Ige
Governor of Hawaii


FROM: Michael Poth 
Chief Executive Officer, First Responder Network Authority ("FirstNet")

DATE: September 28, 2017

SUBJECT: Required Notice and Opt-In to FirstNet

Thank you for previously providing notice of Hawaii's intent to participate in the deployment of the Nationwide Public Safety Broadband Network as proposed by FirstNet. While you have already pledged your support for the deployment of the FirstNet network in Hawaii, FirstNet is required, pursuant to its enabling legislation,¹ to provide you the attached notice. In order to comply with our enabling legislation, we are providing identical notices to each state and territory.

Consistent with FirstNet's enabling legislation, all states and territories that do not provide written notice of Opt-Out within 90 calendar days following receipt of the formal notice from FirstNet are deemed to have chosen to Opt-In to the FirstNet proposed network deployment within their state or territory. Accordingly, FirstNet has determined, based on this statutory provision and your previously communicated Opt-In notice of intent, no further action is required of Hawaii. As a result, FirstNet and AT&T will assume all responsibility and costs for deploying, operating, maintaining, and improving the FirstNet network in Hawaii. Hawaii will incur no risk, responsibility, or cost for deploying the network.

If you have any questions regarding FirstNet or the content of the attached notice, you may contact me at 

¹ 47 U.S.C. §§ 1401 *et seq.*

September 28, 2017

The Honorable David Ige
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu, HI 96813

Re: Official Notice of FirstNet Proposed Network Deployment and Decision to Opt In or Opt Out

Dear Governor Ige,

Our nation's first responders demanded a dedicated, high-speed, wireless broadband network to enable them to better serve their communities, and Congress responded with legislation in 2012 to create such a network (47 U.S.C. §§ 1401-1457, "FirstNet's enabling legislation"). The FirstNet network, deployed and operated through a public-private partnership with AT&T, will meet this demand.

Pursuant to FirstNet's enabling legislation (47 U.S.C. § 1442(e)(1)), this letter and its attachments serve as notice to you of:

- (i) the completion of the request for proposal process by FirstNet for the construction, operation, maintenance, and improvement of the nationwide public safety broadband network (FirstNet network);
- (ii) the delivery of the details of the proposed plan for the buildout of the FirstNet network in Hawaii, which is accessible through an online, web-based portal (State Plan Portal) and the Executive Summary of which is included as Attachment 1; and
- (iii) the State Alternative Plan Program funding level for Hawaii, as determined by the National Telecommunications and Information Administration (NTIA), which is a range from \$8,204,133 to \$10,255,166. The grant amount available for Hawaii is currently set at \$8,204,133 and could go up to a maximum of \$10,255,166. Any increase in the current grant amount available, up to the maximum grant amount for Hawaii, will depend on the total amount available for the State Alternative Plan Program in the Network Construction Fund after all States have opted in or opted out. A schedule for updating your grant amount available will be provided to each State Point of Contact, and each State will be notified by NTIA of any increased grant amount that is available no later than five days prior to the decision deadline.

Under FirstNet's enabling legislation (47 U.S.C. § 1442(e)(2)), you have until December 28, 2017 (90 calendar days after receipt of this letter) to choose whether to participate in the deployment of the network as proposed in the FirstNet State Plan (Opt-In) or initiate the process to assume responsibility for deploying, maintaining, operating, and improving a Radio Access Network (RAN) in Hawaii that interoperates with the FirstNet network (Opt-Out). This decision deadline is fixed by statute and cannot be extended.

With an Opt-In election, FirstNet and AT&T will assume all responsibility and costs for deploying, operating, maintaining, and improving the FirstNet network in Hawaii. Hawaii will incur no risk, responsibility, or cost for deploying the FirstNet network. Further, an Opt-In election does not commit Hawaii's public safety agencies to subscribe to the FirstNet network or buy devices.

With an Opt-Out election, it is critical for you to understand that Hawaii assumes all responsibility and costs associated with deploying, operating, maintaining, and improving a FirstNet compatible Radio Access Network (RAN) in Hawaii, which includes, without limitation, compliance with FirstNet's policies and fees for use of Federal FirstNet spectrum and ensuring inter-operability of the State RAN with the FirstNet network, funding the State's RAN, assuming all risks associated with the deployment and ongoing operation of the State RAN, and pledging to ensure fulfillment of these obligations for up to 25 years. You should also be aware that, as a result of the approval process prescribed in FirstNet's enabling legislation (47 U.S.C. § 1442(e)(3)), an Opt-Out decision will lead to delayed launch of FirstNet service in Hawaii as Hawaii progresses through all of the Congressionally mandated steps.

Attached to this letter are also instructions regarding how to formalize your decision (Attachments 2 and 3). As set forth in FirstNet's enabling legislation (47 U.S.C. § 1442(e)), lack of an affirmative Opt-Out election within 90 days after receipt of this letter will legally represent that Hawaii has chosen to Opt-In and have the RAN within Hawaii deployed as proposed by FirstNet.

Whether you decide to Opt-In or Opt-Out, FirstNet looks forward to working with you and serving the needs of public safety in Hawaii and throughout the nation.

Sincerely,



Michael Poeh
Chief Executive Officer
FirstNet

3 Attachments

cc: BG Arthur J. Logan, State Point of Contact

The Power of FirstNet is here for Hawaii

Congress established FirstNet with a mission to build, operate, and maintain the first high-speed, nationwide wireless broadband network dedicated to public safety. FirstNet will provide and maintain a single, interoperable platform that consistently satisfies the demanding communications needs of your public safety community, and that fulfills one of the last recommendations of the 9/11 Commission. This network has been a top priority for first responders and public safety agencies in Hawaii and throughout the country, and has been designed based on their specific, expressed needs.

FirstNet and AT&T are prepared to deploy, operate, maintain, and improve the FirstNet network in Hawaii, and will assume all responsibility and costs. The FirstNet network is starting from AT&T's existing footprint of in Hawaii. Over the past three years, AT&T has invested nearly **\$100 million** dollars in its Hawaii network infrastructure – upgrading the system **over 52 times** to include new cell sites, addition of wireless and wired network capacity and new broadband network connections. Also, AT&T supports **approximately 450 jobs** in your state. With an Opt-In decision, Hawaii would incur no risk, responsibility, or cost for deploying, operating, or upgrading the new, dedicated FirstNet network in your state.

The Hawaii State Plan demonstrates how the FirstNet network satisfies the priorities identified by the Hawaii public safety community, rapidly provides access to mission-critical public safety features across the entire AT&T commercial



The Hawaii State Plan demonstrates how the FirstNet network satisfies the priorities identified by the Hawaii public safety community.



Long-Term Evolution (LTE) network, delivers extensive population and geographic coverage, offers a robust set of aggressively-priced devices and rate plans, and is supported by FirstNet-dedicated customer sales and service channels. The FirstNet network can quickly be made available to the Hawaii public safety community once the Governor Opts-In, and will continuously expand and improve to meet the needs of Hawaii's first responders.

This Hawaii State Plan provides the details and specifications about FirstNet, the FirstNet network, the Products, Features and Services that will be available, and Governor Ige's required Decision.

FirstNet entered into a public-private partnership with AT&T to rapidly deliver the high-speed, highly secure, and reliable broadband network public safety requires

FirstNet together with AT&T, and its team of industry leaders, are ready to deploy public safety's network and deliver prioritized and preemptive service to first responders as efficiently and effectively as possible.

AT&T has a track record of deploying mission critical networks for public safety, spanning more than 140 years. AT&T has committed to delivering the industry-leading, next-generation communications products and services that Hawaii first responders require, supported by dedicated sales and customer service teams.

FirstNet's solution meets Hawaii's public safety priorities

FirstNet consulted extensively with Hawaii's public safety community to ensure the network design would meet public safety's needs. To do so, FirstNet developed a multi-level, multi-year consultation program in partnership with Hawaii's Single Point of Contact (SPOC) MG Arthur J. Logan, and the Hawaii Statewide Communications Interoperability Program (SCIP) members, which included stakeholders from the Cities and Counties of Hawaii, Honolulu, Maui and Kauai. Furthermore, FirstNet met fire, law enforcement, EMS and federal partners about the unique characteristics and challenges Hawaii currently faces with its public safety communications systems.

We've listened to your concerns and understand your needs. The key issues Hawaii shared with us during multiple consultation visits related to geographical coverage areas and network resiliency. More specifically, Hawaii recommended that coverage be expanded to address existing gaps, waterways, and coastal areas, and that deployables be available on-island. Hawaii also recommended that network services be maintained on-island to reduce transmission risk. The FirstNet network addresses these issues, as evidenced in this State Plan; and, FirstNet and AT&T are committed to continuously evolving, expanding, and investing in the network in tune with the state's needs.

The FirstNet network offers extensive **Coverage** immediately upon Governor Opt-In (as shown in the Year 1 LTE coverage map), and when fully deployed in Hawaii (as shown in the Year 5 LTE coverage map), will cover:

- **97.2%** of Hawaii's population
- **94.2%** of Hawaii's rural population
- **90.5%** of Hawaii's geography
- **95.3%** of Hawaii's stakeholder-identified coverage objectives



Figure 1: FirstNet Year 1 Outdoor LTE Coverage



Figure 2: FirstNet Year 5 Outdoor LTE Coverage



By providing quality of service and **priority** for data services on all AT&T commercial LTE bands immediately after the Governor Opts-In, FirstNet is minimizing the impacts of “phased deployment” to achieve prioritized service quickly. **Preemption** is expected to be available for Opt-In states on all AT&T commercial LTE bands by the end of 2017, including FirstNet Band 14 as it's deployed.

FirstNet's network architecture uses existing, reliable communications assets to rapidly deploy services to public safety users in Hawaii, offering **99.99 percent availability**. We achieve this highly available network through a multi-layered approach that incorporates a redundant network architecture with a dedicated Core, geography-based physical hardening, a dedicated security operations center to monitor the network, highest-priority grade service restoration, deployable solutions for emergency coverage and 24 x 7 x 365 dedicated care to resolve issues.

Network security is the cornerstone of the FirstNet network philosophy, using the full breadth of the AT&T security model. AT&T implements leading network security practices with one of the largest and most well-equipped security teams in the world, placing them at the forefront of innovative **cybersecurity** solutions.

In addition, the network provides increased capacity through in-building coverage, small cell deployment, and Wi-Fi access points, and includes an **enhancement framework** that allows local, state, tribal, federal, and nonprofit public safety entities to participate in enhancing the network's coverage and capacity in Hawaii.

The Products, Features and Services available on the network include unique and powerful public safety features, with a robust set of devices and highly competitive **rate plans** that are at or below currently available federal and state government rates.

All public safety applications and features will be available across the nationwide network, including priority and preemption for primary users, integrated Push-to-Talk, and interoperability with existing Land Mobile Radio (LMR) systems. A **Local Control** application will allow Hawaii public safety entities to manage their use of network resources, improve user experience on the network, and provide prioritized critical communications. **Identity, Credential, and Access Management (ICAM)** solutions will enable agencies to authenticate users, so that Hawaii public safety can better coordinate their incident response.

To provide additional coverage or capacity on-demand, FirstNet and AT&T will work with Hawaii public safety to determine a deployables strategy to meet their needs. Deployables will also be a key feature of FirstNet's enhancement framework, allowing local, state, and federal agencies the ability to purchase and integrate additional deployable assets into the network.

FirstNet's device portfolio includes competitively-priced LTE-enabled smartphones, tablets, in-vehicle routers, specialty devices and supports **Bring Your Own Device (BYOD)**. FirstNet customers in Hawaii will benefit from reduced prices based on economies of scale

stemming from AT&T's ability to contain costs, spur innovation, and use its global supply chains. FirstNet and AT&T will continuously enhance the **device portfolio** to bring public safety-desired solutions to market.

Finally, FirstNet is aware of the unique types of communication demanded by specialized public safety operations, such as communication for **marine** areas. FirstNet and AT&T will work with public safety to assess those needs as the network evolves. While the maps depict coverage over land today, it is possible, along shorelines and coastlines, that coverage may extend from time to time to cover some marine areas. However, the network is not engineered to provide marine coverage as the realities of propagation over water will result in inconsistent coverage. The maturity of the FirstNet terrestrial solution allows a focused expansion into these formerly niche market areas and lets AT&T bring its full weight and history to bear on continuing to enhance public safety-specific coverage.

FirstNet and AT&T can deploy the network and bear the cost and risk associated with that for Hawaii

Upon the Governor's Decision to Opt-In, FirstNet and AT&T will deploy, operate, maintain, and improve the FirstNet network in Hawaii, assuming **all** responsibility for capital expenditures, operating costs, and other costs, such as staffing, training, integration, environmental compliance, and program management. Hawaii incurs no risk, responsibility, or cost for the FirstNet network, and makes no commitment.

FirstNet can offer this value to Opt-In states through its own network deployment expenditures, and by using AT&T's market-leading capabilities and existing infrastructure, including a multiband network footprint worth \$180 billion, established relationships with rural telecommunications providers, existing relationships with device manufacturers, and economies of scale.

Importantly, there is no mandate to subscribe to the FirstNet network or buy devices. AT&T must competitively earn its public safety customers, providing unparalleled customer service, innovation, and focus on public safety. To facilitate this outcome, AT&T will have FirstNet-dedicated customer sales and support channels, and has committed to aggressive targets for user adoption and retention.

Hawaii has a choice

The Act provides the Governor with a choice to Opt-In and immediately take advantage of the FirstNet network, or Opt-Out and initiate a process to assume responsibility for deploying, maintaining, operating and improving a state-specific Radio Access Network (RAN) that interoperates with the FirstNet network. The Governor will have 90 days to decide, once FirstNet delivers notice of the completion of the request for proposals (RFP) process for Hawaii (per 47 U.S.C § 1442(e)(1)).

Opt-In

By Opting-In, the Governor enables public safety to rapidly access broadband services in Hawaii. An Opt-In decision directs FirstNet to take on **all the risks, costs, and responsibilities** associated with deploying the network in Hawaii for 25 years, and take immediate steps to make prioritized services and features available to public safety in Hawaii.

An Opt-In decision directs FirstNet to take on all the risks, costs, and responsibilities associated with deploying the network in Hawaii for 25 years, and take immediate steps to make prioritized services and features available to public safety in Hawaii.

To Opt-In, the Governor should sign the Opt-In Affirmation and return it to FirstNet. Opting-In does not commit Hawaii to make any investment, obligate any state funds, nor commit public safety entities in Hawaii to adopt FirstNet service. It simply enables FirstNet to proceed with deploying the network and making FirstNet services immediately available in Hawaii.

It should be noted that if the Governor does nothing, Hawaii is deemed to have Opted-In to the FirstNet proposed plan for network deployment after ninety days from the date FirstNet provides notice of the completion of the RFP process for Hawaii. However, a formal, earlier Opt-In decision prior to the end of this period directs FirstNet to immediately take steps to offer prioritized

services and features to public safety users in Hawaii, and signals the Governor's support for this critical infrastructure project to the state's public safety constituents.

Opt-Out

If the Governor chooses to Opt-Out, the state must deploy, operate, maintain, and improve its own RAN. The state must fully fund the program, assuming all risks, and must meet public safety adoption targets. The state must pledge its full faith and credit to fulfill these obligations for up to 25 years. An Opt-Out choice will lead to significant added costs to the state, and delayed launch of service to Hawaii's first responders.

Opting-Out requires a series of legally mandated steps that allow Hawaii to develop an alternate plan for the state. First, the Governor must formally notify FirstNet (using the Opt-Out Declaration Template), the Federal Communications Commission (FCC), and the National Telecommunications and Information Administration (NTIA) of its decision. After submitting this notification:

1. The state has 180-days to complete an RFP process for the deployment of an alternate RAN.
2. The state must submit its Alternative RAN Plan to the FCC for approval. The FCC is charged with determining if an Alternative RAN Plan complies with minimum technical interoperability requirements and demonstrates interoperability with the nationwide public safety broadband network, and must approve the Alternative RAN Plan in order for the state to proceed.
3. Upon approval by the FCC, the state must submit an application to NTIA and pass its evaluation for the right to seek a Spectrum Manager Lease Agreement (SMLA) with FirstNet. Under the Act, NTIA will evaluate if the Alternative RAN Plan demonstrates the technical capabilities and funding to support the RAN, ongoing interoperability with the nationwide network, cost-effectiveness, and comparable security, coverage, quality of service, and timelines to those proposed in the FirstNet State Plan.
4. The state may apply to NTIA for a construction grant, which is expected to cover only a portion of the build-out costs for the Alternative RAN.
5. The state must enter into a SMLA with FirstNet in order to use the available spectrum. This binding agreement requires the full financial faith and credit of the state, obligates the state to annual spectrum network capacity payments to FirstNet, and requires the state to meet public safety adoption targets or be subject to penalties.

Opt-Out states may monetize excess capacity on state RANs through commercial use when not needed by public safety users (through a public-private partnership or arrangement to deploy the RAN); however, per the Act, all revenues must be reinvested into the network, and cannot be used to fund other projects.



Image 1: Hawaii Initial Consultation Meeting

The FirstNet network was designed for Hawaii

FirstNet has provided full details of this State Plan to the Hawaii SPOC and public safety community for their comprehensive review. Just as FirstNet undertook extensive consultation and incorporated Hawaii's public safety inputs into the design of the network, we will continue to build upon these relationships through our dedicated public safety customer-centric approach.

FirstNet was created by Congress to fulfill one mission: provide emergency responders with the first nationwide, high-speed, broadband network dedicated to public safety.

Opting-In to the FirstNet network quickly provides the Hawaii public safety community with the critical infrastructure they demand and need to fulfill their mission.

Attachment 2 (continued): Opt-In Affirmation Letter Template

[Official State Letterhead]

[Date]

Mr. Mike Poth
Chief Executive Officer
First Responder Network Authority
12201 Sunrise Valley Drive
M/S 243
Reston, VA 20192

Re: Deployment of the Nationwide Public Safety Broadband Network as Proposed by the First Responder
Network Authority (FirstNet)

Mr. Poth:

This letter serves as notice under 47 U.S.C. § 1442(e)(2)(A) that [STATE] has decided to participate in the deployment of the nationwide, interoperable broadband network as proposed in the FirstNet State Plan.

Sincerely,

[Name]
[Official Title]
[Name of State]

Attachment 2: Opt-In Affirmation Instructions

To provide an affirmative Opt-In notification to FirstNet and officially choose to participate in the buildout of the network as proposed in the FirstNet State Plan, allowing FirstNet to proceed with the deployment of the Radio Access Network (RAN), the Governor should follow these instructions:

- 1) Submit a letter:
 - a. On official state letterhead;
 - b. Addressed to:

Mr. Mike Poth
Chief Executive Officer
First Responder Network Authority
12201 Sunrise Valley Drive
M/S 243
Reston, VA 20192;
 - c. Signed by the Governor; and
 - d. Confirming the state's choice to Opt-In and allow FirstNet to proceed with the deployment of the nationwide, interoperable broadband network *as specifically proposed in the FirstNet State Plan* (which is not subject to any conditions, stipulations, or contingencies). If the letter contains any conditions, stipulations, or contingencies to the state's decision to Opt-In, it will *not* be accepted as valid notice.
- 2) The signed letter may be submitted using any one of the following methods:
 - a. email a scanned version of the signed letter to GovernorDecision@firstnet.gov;
 - b. send the signed letter via facsimile to 571-665-6220, with "Attention: Mike Poth" on the fax cover page;
 - c. send the signed letter via first class mail;
 - d. deliver the signed letter via courier; or
 - e. send the signed letter via overnight mail.

An Opt-In Affirmation letter template is provided on the next page for your convenience.

Attachment 3 (continued): Opt-Out Affirmation Letter Template

[Official State Letterhead]

[Date]

Mr. Mike Poth
Chief Executive Officer
First Responder Network Authority
12201 Sunrise Valley Drive
M/S 243
Reston, VA 20192

Re: Deployment of the Nationwide Public Safety Broadband Network as Proposed by the First Responder Network Authority (FirstNet)

Mr. Poth:

This letter serves as notice under 47 U.S.C. § 1442(e)(2)(B), (3)(A) that [STATE] has decided to not participate in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network Authority and instead to initiate the evaluation process to obtain legal approval to conduct its own deployment of a Radio Access Network (RAN) in [STATE].

Sincerely,

[Name]
[Official Title]
[Name of State]

Attachment 3: Opt-Out Instructions

To provide an affirmative Opt-Out notification to FirstNet and officially initiate the evaluation process for an Alternative State Radio Access Network (RAN) Plan, the Governor should follow these instructions:

- 1) Submit a letter:
 - a. On official state letterhead;
 - b. Addressed to:

Mr. Mike Poth
Chief Executive Officer
First Responder Network Authority
12201 Sunrise Valley Drive
M/S 243
Reston, VA 20192;
 - c. Signed by the Governor; and
 - d. Confirming the state's desire to Opt-Out and pursue the legal approvals and agreements required to conduct its own deployment of a RAN in the state.
- 2) The signed letter may be submitted using any one of the following methods:
 - a. email a scanned version of the signed letter to GovernorDecision@firstnet.gov;
 - b. send the signed letter via facsimile to 571-665-6220, with "Attention: Mike Poth" on the fax cover page;
 - c. send the signed letter via first class mail;
 - d. deliver the signed letter via courier; or
 - e. send the signed letter via overnight mail.

An Opt-Out Affirmation letter template is provided on the next page for your convenience.

Please note that the Act requires simultaneous notification of an Opt-Out determination to FirstNet, the Federal Communications Commission (FCC), and the National Telecommunications and Information Administration (NTIA). Proceed in accordance with the Opt-Out notification procedures provided by the FCC and NTIA separately to complete the legal notification process with those entities.

